

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

KYTCH, INC.,

Plaintiff,

V.

MCDONALD'S CORPORATION,

Defendant.

C.A. No. 22-279-MN

STIPULATION AND [PROPOSED] ORDER TO TRANSFER
UNDER 18 U.S.C. § 1404(A)

WHEREAS, Plaintiff Kytch, Inc. (“Kytch”) filed its Complaint against Defendant McDonald’s Corporation (“McDonald’s”) on March 1, 2022, in the United States District Court for the District of Delaware;

WHEREAS, both Kytch and McDonald's are incorporated in the State of Delaware;

WHEREAS, the Court denied in part and granted in part McDonald's' Motion to Dismiss following oral argument on March 29, 2023 and ordered the parties to confer on whether briefing for a motion to stay or motion to transfer is appropriate;

WHEREAS, the Parties have conferred as ordered;

WHEREAS, 28 U.S.C. § 1404(a) permits a district court, in the interest of justice, to transfer a case to another district where venue and personal jurisdiction exist; and

WHEREAS, the Parties have met and conferred and agree, subject to the approval of the Court, that a transfer of this action pursuant to 28 U.S.C. § 1404(a) to the Northern District of California, Oakland Division, is appropriate.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between Kytch and McDonald's, through their undersigned counsel and subject to the Court's approval, that:

1. Pursuant to 28 U.S.C. § 1404(a), the above-captioned action shall be transferred to the United States District Court for the Northern District of California, Oakland Division; and

2. McDonald's hereby consents to personal jurisdiction in the Northern District of California for purposes of adjudicating the claims asserted by Kytch in the above-captioned action.

Dated: April 24, 2023

FARNAN LLP

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Attorneys for Defendant McDonald's Corp.

IT IS SO ORDERED this ____ day of _____, 2023.

The Honorable Maryellen Noreika